

**REMARKS/ARGUMENTS**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-13, 34-47 and 49-60 are pending in the present application. Claims 1 and 10 having been amended by the present amendment.

In the outstanding Office Action, claims 1 and 10 were objected to; and claims 1-13 and 34-60 were rejected under 35 U.S.C. § 112, first paragraph.

Applicants thank the Examiner for discussing this application with Applicants' representative on January 25, 2005. During the discussion, the different features of the invention and the 35 U.S.C. § 112 rejection were discussed. No agreement was reached pending the Examiner's further review when a response is filed. Comments presented during the interview are reiterated below.

Regarding the objection to claim 1, the Office Action indicates the term "assign" in claim 1, line 5 should recite "based on" or "according to." Accordingly, claim 1 has been amended as suggested in the Office Action. Claims 1 and 10 have also been amended to address the other minor objections. Accordingly, it is respectfully requested this objection be withdrawn.

Regarding the rejection of claims 1-13 and 34-60 under 35 U.S.C. § 112, first paragraph, the Office Action indicates the specification does not adequately describe how the

transport format is selected according to the decided bearer service profile type (*e.g.*, which transport format is used when the bearer service is speech, which transport format is selected when the bearer service is packet switched data, etc.)

As discussed in the previously filed response dated June 17, 2004, the bearer service combination type indicates the different categories for combinations of speech, circuit data and packet data services. The bearer service profile type includes, for example, the bearer service combination type, the bearer service class type and the radio environment measurements. The previous response also includes detailed comments concerning transport formats, bearer service profile types, etc. and the assignment and selection of these entities, which for convenience sake are not re-iterated in this current response.

In addition, as shown in Fig. 1A, the AP decides the bearer service combination type for transferring data and the RRC receives the bearer service combination type from the AP and assigns a transport format combination set (TFCS) that is best suited to handle the data to be transmitted. Note, the transport format combination set is a set of transport format combinations to be used by a mobile station. Further, the transport format combinations include valid combinations of transport formats. A transport format may then be selected within the assigned transport format combination set. This is how the transport format may be selected according to the bearer service profile type. Similar comments apply to independent claims 34 and 58.

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Amdt. dated January 26, 2005  
Reply to Office Action of August 26, 2004

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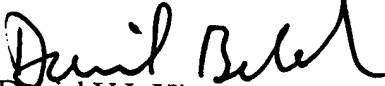
Accordingly, it is respectfully requested this rejection be withdrawn.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David A. Bilodeau**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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